

# House File 266 - Introduced

HOUSE FILE \_\_\_\_\_  
BY UPMEYER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the marking or lighting of antenna structures  
2 and making a penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1454YH 82  
5 dea/es/88

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1 1 Section 1. NEW SECTION. 328.56 ANTENNA STRUCTURES ==  
1 2 MARKING OR LIGHTING == PUBLIC NUISANCE.  
1 3 1. The department shall adopt rules for the marking or  
1 4 lighting of antenna structures that extend into navigable  
1 5 airspace but are not required to comply with marking and  
1 6 lighting specifications assigned by the federal communications  
1 7 commission.  
1 8 2. The owner of an antenna structure that requires notice  
1 9 of proposed construction to the federal aviation  
1 10 administration pursuant to 14 C.F.R. } 77.13 but is not  
1 11 required to comply with marking and lighting specifications  
1 12 assigned by the federal communications commission shall comply  
1 13 with state standards established pursuant to this section.  
1 14 3. An antenna structure that is not marked or lighted as  
1 15 required under this section is deemed to be a public nuisance,  
1 16 and the owner of the antenna structure may be punished as  
1 17 provided in chapter 657.

### EXPLANATION

1 18 This bill requires the state department of transportation  
1 19 to adopt rules for the marking or lighting of antenna  
1 20 structures that extend into navigable airspace but are not  
1 21 required to be marked as aviation obstructions under federal  
1 22 law. Currently, the owner of an antenna structure must apply  
1 23 to the federal aviation administration for guidance on marking  
1 24 or lighting of the structure. Radio antennas, digital  
1 25 television towers, and cell phone towers are examples of  
1 26 "antenna structures". The federal communications commission  
1 27 requires many such antennas, deemed to be aviation  
1 28 obstructions, to comply with the federal aviation  
1 29 administration guidelines. Under the bill, only antenna  
1 30 structures not subject to federal marking or lighting  
1 31 requirements would be subject to state regulation.

1 32 The bill provides that an antenna structure not marked or  
1 33 lighted in accordance with state requirements would be  
1 34 considered a public nuisance. The remedies for a public  
2 1 nuisance may include criminal prosecution, judgment for  
2 2 damages, and orders for abatement. A person convicted of  
2 3 erecting, causing, or continuing a public nuisance is guilty  
2 4 of an aggravated misdemeanor, punishable by confinement for no  
2 5 more than two years and a fine of at least \$625 but not more  
2 6 than \$6,250.  
2 7 LSB 1454YH 82  
2 8 dea:nh/es/88